

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Pamela M.,)	Case No.: 0:23-cv-4246-JD
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Martin J. O'Malley, Commissioner of the)	
Social Security Administration, ¹)	
)	
Defendant.)	
)	

This social security matter is before the Court with the Report and Recommendation of United States Magistrate Judge Paige J. Gossett (“Report and Recommendation” or “Report”), under Local Civil Rule 83.VII.02 of the District of South Carolina. Plaintiff Pamela M., (“Plaintiff”) brings this action pursuant to 42 U.S.C. §§ 405(g), as amended, seeking judicial review of the final decision of Defendant Martin J. O’Malley, Commissioner of the Social Security Administration (“Defendant” or “Commissioner”), denying Plaintiff’s claims for Supplemental Security Income (“SSI”) and Disability Insurance Benefits (“DIB”) under the Social Security Act (“Act”). The Magistrate Judge issued a Report and Recommendation on July 30, 2024, recommending the Commissioner’s decision be affirmed. (DE 11.)

Plaintiff applied for DIB and SSI on October 2, 2019, alleging a disability onset beginning September 1, 2019. The application was denied initially and on reconsideration by the Social Security Administration. (DE 6-3, pp. 91-94.) The Administrative Law Judge (“ALJ”) issued an unfavorable decision on December 13, 2022. (DE 6-2, pp. 15-31.) Plaintiff sought review of the

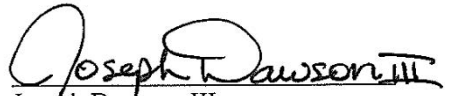
¹ Martin J. O'Malley was sworn in as the Commissioner of the Social Security Administration on December 20, 2023. Accordingly, he is automatically substituted for Kilolo Kijakazi, Acting Commissioner of Social Security.

ALJ's decision, which the Appeals Council denied, making the ALJ's decision the Commissioner's final decision. (*Id.* at 2-4.) Plaintiff filed a Complaint seeking judicial review of that decision on August 24, 2023. (DE 1.)

The Magistrate Judge issued the Report and Recommendation on July 30, 2024, recommending that the Commissioner's decision be affirmed. (DE 11.) The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection has been made and may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge. *See* 28 U.S.C. § 636(b)(1). However, de novo review is unnecessary when a party makes general and conclusory objections without directing a court's attention to a specific error in the Magistrate Judge's proposed findings. *See Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Absent any specific objection, the court only reviews the report and recommendation for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citation omitted); *see also Tyler v. Wates*, 84 F. App'x 289, 290 (4th Cir. 2003) ("A general objection to the entirety of the magistrate judge's report is tantamount to a failure to object.").

Neither party filed an objection to the Report and Recommendation. Upon review of the Report and the record in this case, the Court finds that there is no clear error on the face of the record, adopts the Report and Recommendation, and incorporates it here by reference. It is hereby **ORDERED** that the Commissioner's decision is **AFFIRMED**.

AND IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Florence, South Carolina
September 3, 2024